

Remarks

Claims 4, 6-11, and 14 are pending in the application. Claims 4, 6-11, and 14 have been rejected. Claims 6, 11 and 14 have been amended.

No new matter has been added.

Rejection under 35 U.S.C. § 103(a)

Claims 4 and 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilmour, U. S. Patent 6,155,998 ("Gilmour") in view of Plath et al., U.S. Patent No. 5,311,972 ("Plath"). Applicant respectfully traverses this rejection, as hereinafter set forth.

As currently amended, the Gilmour device fails to teach or suggest the claim 6 limitation of "a frame having at least one set of substantially collinear apertures and a slot, wherein the collinear apertures and the slot are substantially coplanar." The Office Action sets forth that the Gilmour device could be interpreted as having a set of apertures and a slot if one views the three of the openings (34) as a set of apertures and the fourth opening (34) as a slot. The Office Action further indicates that Applicant failed to disclose the orientation of the set of apertures and the slot relative to one another on the walker. However, the orientation of the set of apertures and the slot is disclosed in Figures 5, 6, and 7 of the present application. As illustrated in the drawings, the apertures 21 of the set of apertures are clearly collinear. This set of apertures is clearly coplanar with the slot 26. To clarify, Applicant has amended the claims to recite the orientation of the apertures and the slot. After amendment, the recited set of apertures is substantially collinear and coplanar with the slot. This limitation is not taught or suggested by

Gilmour, because there are no two collinear openings (34) (i.e., the set of apertures) that are coplanar with another opening 34 (i.e., the slot). Plath fails to cure this deficiency.

In view of the above, Applicant respectfully requested that the rejection of claims 4 and 6-10 be withdrawn.

Claims 11 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilmour and Plath in view of Coy et al., U.S. Patent No. 5,836,626 (“Coy”). Claims 11 and 14 are patentable over Gilmour and Plath by virtue of their dependence on claim 6, distinguished above. Coy does not cure the deficiencies of Gilmour and Plath regarding claim 6. Claims 11 and 14 are also allowable for the reasons given below.

Coy does not teach the limitation of a slot having an upper edge formed to a triangular saw tooth pattern. Coy teaches a slot (see, e.g., Fig. 3, no. 22) with notches (see, e.g., Fig. 3, no. 21) with parallel sides (see, e.g., Fig. 3, no. 21) to secure a retaining pin (see, e.g., Fig. 3, no. 28). The Office Action sets forth that a series of notches could be interpreted as a saw-toothed pattern. Accordingly, Applicant has amended the claims to clarify that the limitation is of a “triangular saw-toothed pattern.” The series of notches in Coy could not be reasonably interpreted as a triangular saw-toothed pattern.

Moreover, the Coy device would not function with the use of a triangular saw-toothed pattern. In particular, the use of a triangular saw-toothed pattern in Coy would allow lateral force on the securing member (see, e.g., Fig. 3, no. 17) to be transferred into compressive force on the spring (see, e.g., Fig. 3, no. 26), thereby allowing the retaining pin (see, e.g., Fig. 3, no. 28) to leave its notch, allowing the door to open, and causing the lock to fail. One of ordinary skill in the art would recognize that Coy and the present invention are not compatible.

The saw-toothed pattern is not a mere design consideration as it accomplishes two stated purposes. First, the saw-toothed pattern allows for the retention of the stud head in the upper edges of the saw-toothed pattern (see, e.g., Claims 11 and 14; Paragraphs 18, 35 and 37). Second, the straps themselves can be passed through the saw-toothed slot, where the teeth will effect a gripping motion on the strap, helping to maintain the strap in the position that it has been originally located (see, e.g., Paragraph 37), thus providing multiple means of adjustment.

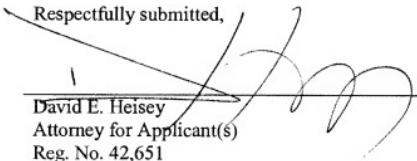
In view of the above, Applicant respectfully requests that the rejection of claims 11 and 14 be withdrawn.

Conclusion

In view of the above, favorable reconsideration and allowance of claims 4, 6-11, and 14 is solicited. The Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 18-1953 referencing the Atty. Docket No. noted above. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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